

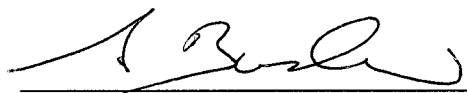
LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908) 241-3445  
Attorney for Plaintiff(s)

DEBORAH TUCKER,	:	UNITED STATES DISTRICT COURT
	:	DISTRICT OF NEW JERSEY
	:	
Plaintiff(s),	:	Case No.: 2:11-cv-03941-ES-CLW
	:	
vs.	:	
	:	
CARLSON HOTELS d/b/a RADISSON,	:	NOTICE OF MOTION TO
GF MANAGEMENT, INC., JOHN DOE	:	AMEND PLAINTIFF'S COMPLAINT
1-5 and ABC-XYZ CORP., (such	:	
names being fictitious),	:	
	:	
Defendant(s).	:	
	:	

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TO: Franklin C. Miller, Esq.  
McCORMICK & PRIORE, P.C.  
301 Carnegie Center  
Suite 101  
Princeton, New Jersey 08540

PLEASE TAKE NOTICE that upon the attached Certification of Sander Budanitsky, Esq., and upon the complaint herein, the plaintiff will move before this Court, The Honorable Cathy L. Waldor, U.S.M.J., in Court Room Number MLK 4C, United States Courthouse, located at 50 Walnut Street, Newark, New Jersey 07101, on February 6, 2012, at 9:00 a.m. or as soon thereafter as counsel can be heard, for an Order allowing the plaintiff to file an Amended Complaint to include Defendant, WCI Grounds Maintenance Service, L.L.C.

  
By: Sander Budanitsky  
Attorney for Plaintiff

Dated: December 26, 2011

LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908) 241-3445  
Attorney for Plaintiff(s)

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DEBORAH TUCKER,

Plaintiff(s),

vs.

CARLSON HOTELS d/b/a RADISSON,  
GF MANAGEMENT, INC., JOHN DOE  
1-5 and ABC-XYZ CORP., (such  
names being fictitious),

Defendant(s).

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:  
: UNITED STATES DISTRICT COURT  
: DISTRICT OF NEW JERSEY  
:  
: Case No.: 2:11-cv-03941-ES-CLW  
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: **CERTIFICATION**  
:  
:

I, Sander Budanitsky, Esquire, hereby Certify and say:

1. I am an attorney at law of the State of New Jersey, attorney for Plaintiff, and I am fully familiar with the facts as set forth herein.

2. This Certification is made in support of Plaintiff's Motion for an Order granting Plaintiff leave to Amend the Complaint to include an additional party, and more specifically WCI Grounds Maintenance Services, LLC (hereinafter referred to as "WCI Grounds").

3. This matter arises out of a slip and fall accident occurring on commercial property owned, maintained and/or controlled by the Defendants.

4. Plaintiff alleges that the property was negligently maintained in that an accumulation of ice and snow was not properly removed from an area utilized by invitees.

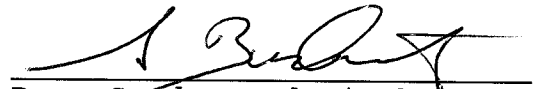
5. On December 8, 2011, counsel for Defendant(s) disclosed that at the time of the accident maintenance of the subject property was contracted to WCI Grounds, a business entity having a place of business at 3 Baldwin Drive, Millstone Township, New Jersey.

6. The parties believe that WCI Grounds is an indispensable party to this litigation, and this Motion is made with the consent of defense counsel.

7. A proposed Second Amended Complaint is attached hereto as Exhibit "A".

**WHEREFORE**, it is respectfully requested that this Honorable Court grant Plaintiff's Motion to Amend the Complaint.

I hereby Certify that if the foregoing statements made by me are willfully false, I am subject to punishment.

  
By: ~~Sander Budanitsky~~  
Attorney for Plaintiff

Dated: December 26, 2011

**Exhibit "A"**

LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908) 241-3445  
Attorney for Plaintiff(s)

DEBORAH TUCKER,	:	UNITED STATES DISTRICT COURT
	:	DISTRICT OF NEW JERSEY
	:	
Plaintiff(s),	:	Case No.: 2:11-cv-03941-ES-CLW
	:	
vs.	:	
	:	
CARLSON HOTELS d/b/a RADISSON,	:	
GF MANAGEMENT, INC., VALLEY	:	
FORGE COLONIAL LIMITED	:	
PARTNERSHIP, WCI GROUNDS	:	
MAINTENANCE SERVICES, L.L.C.,	:	SECOND AMENDED COMPLAINT
JOHN DOE 1-5 and ABC-XYZ CORP.	:	AND JURY DEMAND
(such names being fictitious),	:	
	:	
Defendant(s).	:	
	:	

Plaintiff, **DEBORAH TUCKER**, residing in the Borough of Roselle, County of Union and State of New Jersey by way of Complaint against the defendants, says:

**FIRST COUNT**

1. On or about February 13<sup>th</sup>, 2010, Plaintiff, **DEBORAH TUCKER**, was an invitee/guest on the premises, owned, operated, leased and/or maintained by the Defendants, **CARLSON HOTELS d/b/a/ RADISSON, GF MANAGEMENT, INC., VALLEY FORGE COLONIAL LIMITED PARTNERSHIP, WCI GROUNDS MAINTENANCE SERVICES, L.L.C., JOHN DOE 1-5 and ABC CORP.- XYZ CORP.**, (such latter names being fictitious), located in Valley Forge, Pennsylvania. These Defendants are

companies, entities and/or individuals having a place of business and authorized to do business in the County of Middlesex and State of New Jersey.

2. At all times herein mentioned the Defendant(s), **CARLSON HOTELS d/b/a/ RADISSON, GF MANAGEMENT, INC., VALLEY FORGE COLONIAL LIMITED PARTNERSHIP, WCI GROUNDS MAINTENANCE SERVICES, L.L.C., JOHN DOE 1-5 and ABC CORP.- XYZ CORP.,** (such latter names being fictitious), were engaged in the repair, maintenance and upkeep of said premises.

3. At said time and place, Plaintiff, **DEBORAH TUCKER,** was caused injury due to the negligence of Defendant(s), **CARLSON HOTELS d/b/a/ RADISSON, GF MANAGEMENT, INC., VALLEY FORGE COLONIAL LIMITED PARTNERSHIP, WCI GROUNDS MAINTENANCE SERVICES, L.L.C., JOHN DOE 1-5 and ABC CORP.- XYZ CORP.,** (such latter names being fictitious), due to improper and negligent conditions, known to exist, and/or for which defendants should have reasonably known to exist by the named Defendants.

4. At said time and place, Plaintiff, **DEBORAH TUCKER,** was caused injury due to the negligence of Defendant(s), **CARLSON HOTELS d/b/a/ RADISSON, GF MANAGEMENT, INC., VALLEY FORGE COLONIAL LIMITED PARTNERSHIP, WCI GROUNDS MAINTENANCE SERVICES, L.L.C., JOHN DOE 1-5 and ABC CORP.- XYZ CORP.,** (such latter names being fictitious), due to improper and negligent conditions, known to exist, and/or for which defendants should have reasonably known to exist by the named Defendants.

5. As a direct and proximate result of the foregoing, the Plaintiff, **DEBORAH TUCKER**, was caused to sustain serious, painful and permanent injuries, has experienced great pain and suffering, has suffered great shock and mental anguish, will in the future experience great pain and suffering, was caused to incur great expenses for medical care and attention, will in the future incur additional expenses, was caused to lose large sums of money for wages she would have earned but for her injuries and will in the future lose large sums of money for wages, and has in the past, and will in the future, lose her right to the full enjoyment of life.

**WHEREFORE**, Plaintiff, **DEBORAH TUCKER**, demands judgment against the Defendant(s), **CARLSON HOTELS d/b/a/ RADISSON, GF MANAGEMENT, INC., VALLEY FORGE COLONIAL LIMITED PARTNERSHIP, WCI GROUNDS MAINTENANCE SERVICES, L.L.C., JOHN DOE 1-5 and ABC CORP.- XYZ CORP.**, jointly and/or severally, in an amount sufficient to compensate her for her injuries, medical expenses, interest and costs of suit.

DATED: December 26, 2011

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Sander Budanitsky, Esq.  
Attorney for the Plaintiff(s)

JURY DEMAND

Plaintiff demands a trial by jury as to all Counts of the within Complaint.

DATED: December 26, 2011

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Sander Budanitsky, Esq.  
Attorney for the Plaintiff(s)



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DEBORAH TUCKER,

Plaintiff(s),


vs.

CARLSON HOTELS d/b/a RADISSON,  
GF MANAGEMENT, INC., JOHN DOE  
1-5 and ABC-XYZ CORP., (such  
names being fictitious),

Defendant(s).

:  
: UNITED STATES DISTRICT COURT  
: DISTRICT OF NEW JERSEY  
:  
: Case No.: 2:11-cv-03941-ES-CLW  
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:  
: **AFFIRMATION of SERVICE**  
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I, Claudia Cardenas, declare under penalty of perjury that I have served a copy of the attached, Notice of Motion to Amend the Plaintiff's Complaint, Supporting Certification, Affirmation of Service Proposed Order upon Franklin C. Miller, Esq., with the Law Offices of McCORMICK & PRIORE, P.C., located at 301 Carnegie Center, Suite 101, Princeton, New Jersey 08540 via regular mail.



\_\_\_\_\_  
Claudia Cardenas, Paralegal  
to Sander Budanitsky, Esq.

Dated: December 26, 2011

LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908) 241-3445  
Attorney for Plaintiff(s)

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DEBORAH TUCKER,	:	UNITED STATES DISTRICT COURT
	:	DISTRICT OF NEW JERSEY
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Plaintiff(s),	:	Case No.: 2:11-cv-03941-ES-CLW
	:	
vs.	:	
	:	
CARLSON HOTELS d/b/a RADISSON,	:	
GF MANAGEMENT, INC., JOHN DOE	:	<b>ORDER</b>
1-5 and ABC-XYZ CORP., (such	:	
names being fictitious),	:	
	:	
Defendant(s).	:	

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This matter having been opened to the Court by Sander Budanitsky, Attorney for Plaintiff, Deborah Tucker, and the Court having considered the moving papers within, and good cause having been shown;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2012

**ORDERED**, that the Plaintiff be and is hereby granted leave to file an Amended Complaint within seven (7) days hereof; and it is further;

**ORDERED**, that a copy of this Order be served upon all parties within \_\_\_\_\_ days of the date of the signing hereof.

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Honorable Cathy L. Waldor, U.S.M.J.